

# MAIL AND E-MAIL SOLICITATIONS

## *Timely Delivery of Ordered Merchandise*

### **Timely Delivery Required**

Mail order merchandise must be delivered on a timely basis, according to Wisconsin Statutes section 100.174.

- If a consumer pre-pays for mail order merchandise, the seller must ship the merchandise or give a full refund within the delivery time shown on the original order blank or advertisement (for example, “allow 6 weeks for delivery”). If no delivery time is stated, the seller must ship the prepaid merchandise or give a full refund within 30 days.
- The delivery period begins when the seller receives full or partial payment, or receives the necessary information and authorization to process a credit sale.
- The seller may extend the delivery period by sending a notice within the original delivery period. The notice must tell the consumer:
  - The date by which the merchandise will be shipped, or that the shipping date is unknown. The seller may not extend the delivery period by more than 30 days. If the shipping date is unknown, the seller must ship within 30 days or give a refund.
  - That the consumer may cancel and get a full refund if the buyer cancels the order in writing before the goods are shipped.
  - That the seller will cancel the order and give a full refund if the seller fails to ship within the new delivery period.
  - That the delivery period may not be extended for more than 30 days unless the consumer authorizes an extension in writing.

### **Enforcement**

- The Wisconsin Department of Agriculture, Trade and Consumer Protection (DATCP) administers this law. DATCP or a district attorney may prosecute law violations. The Department of Justice may represent DATCP in court.
- A court may issue an injunction, and may order the violator to pay restitution to consumers.
- A court may order a violator to pay a civil forfeiture of up to \$1,000 per violation.

- A consumer who suffers a monetary loss because of a law violation may sue the violator directly, and may recover double damages, costs and attorney fees.
- The Wisconsin law is consistent with Federal Trade Commission rules under 16 Code of Federal Regulations 435. **For more information about the Federal Trade Commission, click here: <http://www.ftc.gov>**